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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/046,773      | 01/17/2002  | Richard A. Gahan     | 922-151             | 2678             |

7590 02/24/2005

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EXAMINER

ISMAIL, SHAWKI SAIF

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 2155     |              |

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/046,773

Applicant(s)

GAHAN ET AL.

Examiner

Shawki S Ismail

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01-17-2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

1. Claims 1-6 are presented for examination.

Applicant's claim for foreign priority is acknowledged.

References in applicant's IDS form 1449 have been considered.

### ***Drawings***

2. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC §102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

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4. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by **Mutalik et al.**, (Mutalik) U.S. Patent No. **6,161,111**.

5. As to claim 1, Mutalik teaches a storage area network having an aggregator server (3) that can access at least one remote storage server (6, 7), the aggregator server operating on a block level protocol and the remote storage server operating on a file level protocol, the aggregator server (3) having a functional unit that maps files of the remote storage server to a respective series of blocks and inputs the block map to a block storage aggregation layer (See Fig. 1, col. 7, lines 25-39). *See also col. 5, lines 58-65* (M)

6. As to claim 2, Mutalik teaches a storage area network according to claim 1 in which the functional unit has a translation database of files to blocks and the aggregator layer has a pointer to the translation database (col. 7, lines 25-39).

7. As to claim 3, Mutalik teaches a storage area network according to claim 1 in which the functional unit provides a pointer to an application buffer and data from the remote storage server is placed directly into the application buffers from received transport protocol data units (col. 14, lines 45-59).

8. As to claim 4, Mutalik teaches a method of aggregating remote file level storage in a block level aggregation process the method comprising

defining a file of the remote file level storage as a series of blocks (col. 5, line 65—col. 6, line 20),

maintaining a record of the block locations within the file (col. 9, lines 3-10),

providing the series of blocks for aggregation in the block level aggregation process (col. 5, lines 58-65) and;

providing access to the record of the block locations within the file from the aggregation process (col. 15, lines 30-40).

9. As to claim 5, Mutalik teaches a method according to claim 4 in which data retrieval speed is increased by establishing a retrieved data buffer location when an access request is transmitted to the remote file level storage, parsing headers of the return data units and placing the data bytes directly into the retrieved data buffers (col. 2, lines 7-14; col. 13, lines 10-12).

10. As to claim 6, Mutalik teaches a method according to claim 4 in which each file is given a device identifier and the block level aggregator process has a total logical block to device identifier and block mapping database and a device mapping database with pointers to the record of block locations (col. 7, lines 25-39).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S Ismail whose telephone number is 571-272-3985. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Shawki Ismail  
Patent Examiner  
February 21, 2005

  
HOSAIN ALAM  
SUPERVISORY PATENT EXAMINER